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REMARKS

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Applicants' attorney thanks the Examiner for her comments. Claim 1 has been amended in accordance with Fig. 2 to indicate that each precursor garment (not just the cuff area) is necked. This is supported by Fig. 2 and the paragraph traversing pages 22-23. Amended Claim 1 also recites a minimum percent neckdown of about 20%, which is intended to better distinguish over processes where only minor tension is applied.

Claims 3 and 4 have been amended to indicate that the backsheet (Claim 3) and topsheet (Claim 4) are defined by the web assembly. This is supported on page 6, lines 12-15. In other words, the claimed backsheet and topsheet are not considered to be additional layers (in addition to the web assembly).

Independent Claim 13 has been amended to indicate a minimum percent neckdown of "about 20%" and to replace "web" with "web assembly" in paragraph a). Independent Claims 14 and 15 have been amended in similar fashion to Claim 1, to indicate that each precursor garment (not just the waistband area) is necked. This is consistent with Figs. 5 and 6. Claims 14 and 15 also indicate a minimum percent neckdown of "about 20%."

Claims 16 and 21-25 have been canceled. Claims 17-20 have been amended to depend from Claim 1.

a) Claim Rejection Based On 35 U.S.C. § 112

The rejection of Claims 3, 4, 6 and 16-25 under 35 U.S.C. § 112, second paragraph is respectfully traversed. The amendment to the claims should overcome this rejection. Amended Claims 3 and 4 make it clear that the backsheet and topsheet are defined by the web assembly. Claims 16 and 21 have been canceled. This rejection should be withdrawn.

b) Claim Rejection Based On Litchholt

The rejection of Claims 1, 3, 4, 6, 11-25 and 28-33 under 35 U.S.C. § 102(b) as anticipated by, or under 35 U.S.C. § 103(a) as obvious over U.S. Patent 5,503,919 ("Litchholt") is respectfully traversed.

As shown in Applicants' drawings, and recited in the claims, Applicants' process is one where an entire web assembly of precursor garments is neck-stretched to a

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first width that is about 20-80% less than an original (second) width (Figs. 2, 5 and 6; Claims 1, 13, 14 and 15). Elastic material (e.g., leg bands or waist bands) are affixed to a cuff area of each precursor garment while the precursor garment is at the first (neck-stretched) width (Figs. 2, 5 and 6; Claims 1, 13, 14 and 15). Then, necking tension is removed from the precursor garments. This causes the precursor garments to assume the wider, non-necked second width in areas outside the cuff area (Fig. 4). The web assembly of precursor garments is divided into resultant garments. The elastic material holds the cuff area at a dimension narrower than the second width in the resultant garments (Fig. 4).

Litchholt does not disclose a process where a web assembly of precursor garments is neck-stretched to a first width that is about 20-80% less than an original width (corresponding to the claimed percent neckdown of about 20-80%). A neck-stretching process is not disclosed. The following discussion is directed to the individual passages of Litchholt cited by the Examiner.

Col. 4, lines 43-47 define an "elastomer". Col. 15, lines 52-65 indicate that an elastic foam can be joined to a carrier to impart elastomeric properties to the carrier. Col. 16, lines 10-12 indicate that the foam may be joined to the carrier using various adhesives in a continuous process. Col. 16, lines 17-20 indicate that the foam may be joined directly to a permanent substrate, such as a backsheet material.

Col. 17, lines 4-12 indicate that the elastomeric foam can be joined to two carriers to form a unitary, elastically extensible laminate. Col. 18, lines 6-10 indicate that the outer laminae are passed through S-wrap tensioning rolls to prevent puckering or bunching. Only minimal tensioning would be needed for this purpose. Such minimal tensioning would not produce a percent neck-down of about 20% to about 80%. In order to neck (narrow) the laminae by this amount, greater tension would be required.

Col. 18, lines 17-28 indicate that the laminae are bonded under compression. Col. 18, line 66 - Col. 19, line 2 indicate that the resulting laminate is a "zero strain" laminate because the elastomeric foam is joined to the carrier in a substantially un-tensioned condition. In Applicants' claimed process, by contrast, the elastic material is joined to a cuff area of each precursor garment when the garment is at the first width (which is the tensioned, narrowed, necked width). Applicants' necked width is maintained under tension during bonding of the elastic material. When Applicants' tension is removed

the precursor garment reverts to a wider, non-necked width as recited in the claims. Applicants' process does not form a "zero strain" laminate.

Col. 19, lines 9-21 and 30-57 of Litchholt describe "zero strain" stretch laminates. As explained above, Applicants' process does not form a "zero strain" stretch laminate because the elastic material is applied when the precursor garments are in a necked, narrowed, tensioned condition. Col. 20, lines 26-36 describe pre-stretching of the central lamina, which is the elastic foam material. However, this is not the same as neck-stretching the substrate material, which is the web assembly of precursor garments recited in Applicants' claims. Applicants' claims do not require pre-stretching the elastic material that is affixed to the precursor garments.

Col. 20, lines 44-51 describe "prestretching" of substrate laminae 30a and/or 30c prior to lamination with central (elastic foam) lamina 30b in order to provide a "zero strain" laminate. What this means is the laminae 30a and 30c are prestretched prior to lamination, but are in a relaxed (untensioned) condition during lamination. Mechanical stretching, followed by relaxation, is often employed so that inelastic layers have greater extensibility in a resulting laminate. Applicants' claimed process, by contrast, maintains the neck-stretched, narrowed, tensioned condition of the precursor garments during application of the elastic material, and therefore does not produce a "zero strain" stretch laminate.

Col. 21, lines 27-55 explain that the elastomeric foams and laminates are useful in absorbent articles and portions of absorbent articles. Col. 25, lines 19-40 state that the elastic foam can be patterned on a backsheet to produce side panels, waist features and leg cuffs. The passage further states that the laminate can be a "previously described" pre-tensioned laminate, zero-strain laminate or zero-strain stretch laminate. As explained above, Applicants' process does not produce a zero-strain laminate or a zero-strain stretch laminate. Also, as explained above, the pre-tensioned laminate of Litchholt is one where the elastic foam material is laminated while under tension. Litchholt does not disclose a laminate in which a substrate web assembly of precursor garments is maintained in a neck-stretched condition, which requires tension, and has a neck-stretched width about 20-80% less than an original width during application of an elastic material.

Col. 26, lines 13-17 describe a backsheet material. Col. 26, lines 28-63 disclose that the backsheet material may be stretched to provide a "zero strain" stretch

laminate. Again, Litchholt defines "zero strain" laminates as requiring both plies of material to be secured in an untensioned condition (Col. 19, lines 9-21). When read in this context, the backsheet material described at Col. 26, lines 25-63 is pre-stretched so that it has greater or easier extensibility in the resulting laminate. However, the backsheet is not maintained in a neck-stretched, narrowed, tensioned condition during lamination of the elastic material to the backsheet.

Col. 27, lines 30-51 describe a similar pre-stretching of the topsheet in order to produce a "zero strain" stretch laminate of the topsheet and the elastomeric foam layer. Again, the term "zero strain" means that the topsheet is not in a neck-stretched, narrowed, tensioned condition during lamination of the elastomeric foam. Col. 28, lines 22-26 indicate that a zero strain stretch laminate can be used to form elastomeric cuffs. Col. 29, lines 3-11 and 50-56 indicate that a similar material can be used to form an elastic waistband.

Col. 32, lines 32-53 define the term "elastically extensible." Col. 19, lines 30-58 (and the incorporated passages from Buell U.S. Patent 5,156,793) describe "zero strain" stretch laminates which are unrelated to the claimed invention.

For at least these reasons, Litchholt does not disclose a process where a web assembly of precursor garments is neck-stretched to a first width that is about 20-80% less than an original width (corresponding to the claimed percent neckdown of about 20-80%).

Litchholt also does not disclose affixing an elastic material to either a) a cuff area of each precursor garment or b) a selected area of the web assembly, while at the first (necked, narrowed) width, as required by Applicants' independent claims.

Litchholt also does not disclose removing a necking tension after the elastic material is affixed, to cause the precursor garment or web assembly to assume a non-necked second (wider) width at areas outside of the area having the elastic material disposed thereon.

Accordingly, no claim is anticipated or rendered obvious by Litchholt. This rejection should be withdrawn.

c) Conclusion

Applicants believe that the claims, as presented, are in condition for allowance. If the Examiner detects any unresolved issue, then Applicants' attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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